

Council Meeting  
March 20, 2007, 5:08 pm

The meeting was called to order by President Spaetti, all councilmen and Attorney Wetherill were present.

Minutes

Winsett, Gogel and Bunner requested corrections in the minutes of February 20, 2007. Ebert made a motion to approve. Kress seconded. All in favor.

Additional Appropriations

County General – Capital Trial Expenses – Judge Roell requested \$40,000 for the capital trial expenses fund. The Ward trial will be starting soon; jurors will be selected in Clay County and the trial will be held in Vanderburgh County. Kroeger made a motion to approve. Kress seconded. All in favor. Kroeger explained to the public that the first trial cost approximately \$600,000 with the county paying half.

County Council Legal Fees - Spaetti explained that the council legal fees account was getting low. Attorney Wetherill only does work when he is directed by the council to do so. Spaetti requested \$1,000 be appropriated to council legal fees. Ebert made a motion to approve. Kress seconded. All in favor.

Sheriff's Department/Jailer Salary – Sheriff Lindsey requested \$7,507 for jailer salary due to the retirement of Jailer Sandra Fleischmann. Winsett made a motion to approve. Gogel seconded. All in favor.

Sheriff's Department/Part Time Cook Salary – Sheriff Lindsey requested \$1,440 to pay for a part time cook when the full time cook takes vacation days. Kroeger made a motion to approve. Bunner seconded. All in favor.

County Corrections – Sheriff Lindsey requested \$6,000 for cellular phone usage by Sheriff's Department personnel. Kroeger made a motion to approve. Ebert seconded. All in favor.

County Drug Free Community – Natalie Bolin, the county coordinator for Drug Free Community, requested the money collected through fines imposed by the Judge on offenders. Last year \$18,252.82 was collected due to the fees being collected upfront when bond is posted. She requested \$2,340 be appropriated toward the salary of the county coordinator and \$15,912.82 be appropriated toward prevention, education, treatment, and law enforcement. Ebert made a motion to approve. Bunner seconded. All in favor.

Highway Department – Major Moves/Equipment – Assistant Superintendent Wirthwein explained that the commissioners requested \$150,000 of the Major Moves money be appropriated to be used as a down payment on new equipment. Spaetti asked if money will take away from road repairs that need to be done. Commissioner Logsdon explained that the commissioners did not request that all of the Major Moves money be used for equipment because it was given to the county with the intention of it being used for economic development. The commissioners had originally planned to use the money to widen New Bethel Road due to the possibility of a new plant moving into the area. He further stated that several of the roads in the county are in need of repair. Ebert stated this is the worst damage he has seen in years. Superintendent Painter stated that with chip and seal roads if there is a hard freeze it goes back to being a gravel road. Spaetti asked if the equipment is going to be ordered or if it will be bid out if the appropriation is approved. Wirthwein stated they will bid it out. Spaetti asked if the equipment can be sold to the public instead of being traded in. Winsett asked Wetherill to check into the equipment being sold to the public. Gogel made a motion to approve the appropriation of \$150,000. Kroeger seconded. All in favor.

Cum Bridge – County Engineer Holstein requested \$78,880 to pay United Consulting for the four year bridge inspections. She explained that 80% of the payment is reimbursable by the state, but the county has to pay the whole amount upfront. Kroeger made a motion to approve. Ebert seconded. All in favor.

Indiana 15 – Per Capita Fees

Lisa Gehlhausen of Indiana 15 was not present. Ebert stated that there are many grants available for many different things including drainage.

Litigation

Attorney Wetherill read the following motion:

The Spencer County Council has supported the legal efforts of the Plan Commission and Board of Commissioners to enforce the county's ordinances addressing the negative secondary

effects of sexually oriented businesses in the county. The Council is therefore pleased with both the earlier decision of the Spencer Circuit Court finding the defendants in the 231 Adult Plaza case in contempt of court and ordering them to pay a fine and attorney fees and its summary judgment upholding the constitutionality of the county's ordinances and granting a permanent injunction against the defendants.

Because it is already aware of the negative effects of the operation of sexually oriented businesses at the 231 Adult Plaza, the Spencer County Council pledges its continued financial support to the legal efforts of the Plan Commission and Board of Commissioners to defend and enforce the county's ordinances on the regulation of sexually oriented businesses.

Winsett made the motion as read. Bunner seconded. All in favor. Kroeger asked why this motion is necessary since the council has supported this all the way through. Commissioner Attorney Lueken stated it was a show of support and assurance that the council will continue the support through the appeal process.

#### Drainage Study Committee

Spaetti explained that even though drainage is a commissioner issue, for funding it will come back to the council. Land owners from throughout the county, who make up the Drainage Study Committee, were present. Phil Schmidt presented a slide show to the council showing problems with drainage in the Anderson River, Crooked Creek, Little Pigeon Creek, Big Sandy Creek, Baker Creek, Garret Creek, and Caney Creek. The slides showed log jams, washed out banks, soil erosion, water ponding, flooding that makes roads impassable, homes that had to be sand bagged and fields that were flooded. He also showed CR 500 N and SR 161 where ditches stay full almost year round and after a rain SR 161 stays flooded for four or five days. Schmidt stated the study committee wanted to document the many problems, because they will be coming to the council when they are looking into funding. He further stated the committee would like to set up an advisory committee to work with the Surveyor to designate drains that need to be worked on and develop a long range plan that will help the county year around. Spaetti asked if Painter had an estimate on how much money drainage problems have cost the county in road repairs. Ebert stated that the surrounding counties need to be contacted and get them involved. Sublett stated that he has worked with other counties on past drain problems. Painter stated that in the last three years the county has approximately spent \$98,000 on repairing roads damaged due to flooding. Kroeger asked if any of the drains shown were legal drains. Schmidt stated Little Pigeon and Baker Creek are legal drains. Kroeger stated that it looked like there has been no plan up until now. Spaetti stated that if a farmer cleans their ditch but the farmer down stream doesn't, then the first farmer has wasted their money. Unless it is done as a group project, nothing is accomplished. Commissioner and Drainage Board President Logsdon stated that the Drainage Study Committee contacted Warrick County and learned about their Cum Drain which is county wide. The committee knows that whatever plan is put together there will need to be a promise of funding. Logsdon stated the committee envisions a ten year plan like the CEDIT plan. Kroeger stated a plan is needed first and determine what the potential cost will be, then come back and the council can develop a plan to pay for it. Logsdon stated the committee will bring the council a ten year plan; there is a lot of planning and legal work to be done, because many of the drains that need work are on private land. Ebert stated that the old legal drain system needs to be dismembered; it is from the late 1800's. Logsdon stated it was not the committee's intent to come and ask for money right now, but to just make the council aware of the problem in the county, and make sure there is interest so a plan can be developed. Stallings from the Health Department stated that there are two major health issues with drainage problems. Anytime water is standing, mosquitoes will breed. Also perimeter drains are ran to the legal drains and many times the drains get silted over and the septic system stops working. Kroeger asked if the Health Department can put pressure on land owners when there is standing water. Stalling stated no, all they can do is inform them of the problem. Ebert stated the committee needs to contact Lisa Gehlhausen with Indiana 15 to see about grants. Logsdon asked when the committee should come back to the council with a plan. Spaetti stated it would be best before budget time. Logsdon asked if July 1<sup>st</sup> was too late. Wetherill stated that June 1<sup>st</sup> would be better than July 1<sup>st</sup>. Kroeger stated that it all depends on the magnitude; everything needs to be prioritized. Logsdon stated that the committee does not have a budget for legal fees; should the committee ask for money for legal fees first or come back later. Spaetti asked Robinson if county money can be spent on a drain that is not a legal drain. Robinson stated there is a procedure for taking a private drain and making it a legal drain. But taking a natural drain or creek and making it a legal drain is a very cumbersome procedure.

Robinson agreed with Ebert that the system is outdated. Robinson stated an amendment in a statute would be needed. Ebert asked if it matters if it is a dangerous situation, with the roads flooding. Painter stated he can work on a ditch on private property only 500 feet from the county structure. Schmidt stated the committee has identified many problems and will need to do more work. He also stated Robinson will need to do legal work and the committee will need to come back to the council to pay for legal fees. Spaetti asked if a couple thousand will get things started. Robinson said yes, and he feels an amendment to the statute will be needed. Ebert stated the number one thing needed is a plan. Logsdon stated the farmers are busy, but they will bring a plan for a year or two. Spaetti stated that if county funds are going to be used it needs to be for the whole county. Kroeger stated Robinson needs to get to the bottom of the legal aspects first, before the plan is designed. Also, the plan will probably not be put in the annual budget right now; the problem areas need to first be prioritized. Logsdon stated the committee asked if Robinson incurs some debt checking all this out for the committee, will the council help to pay for his bill, and the council has said yes, just keep it reasonable. Spaetti responded he thought that was the feeling of the majority of the council. Logsdon addressed the press and stated that councilmen and commissioners have been invited to the committee meetings, but policy is not being made, just plans. He also stated the press will also be notified of the committee meetings. Winsett commended the group for the work they have done; his personal opinion is that the county will need a cumulative drain system. Winsett stated he is confused about the Baker Creek debt. Gogel explained that repairs were made to Baker Creek out of County General and the State Board of Accounts said that could not be done, so County General is being paid back with no interest. Logsdon stated he asked the Warrick County Surveyor how much the cum drain costs land owners, and he said a \$200,000 house is paying approximately \$15 per installment. Ebert stated that with a smaller population the cost will be more. Gogel stated that the county can not put in a cum drain tax because the county is at the maximum levy. Youngblood stated that in the last major ditch clean out, the land owners were assessed \$63.80 per acre. Spaetti thanked the land owners and Schmidt for all of their work.

Ebert made a motion to adjourn. Bunner seconded. All in favor. The meeting was adjourned at 7:00 pm.

County Council,

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President	
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Attest:	
_____	_____
Cindy Shelton, Auditor	